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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,414	01/12/2002	Mortensen Mikael	42390P12312	9962

8791 7590 05/15/2006

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EXAMINER

CRIBBS, MALCOLM D

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/045,414

Applicant(s)

MIKAEL ET AL.

Examiner

Malcolm D. Cribbs

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 24-29 and 33-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 24-29 and 33-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. **Claims 1-3, 24-29, 33-46, are presented for examination.**

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 24-29, 33-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Nieuwland et al.

4. As per claim 1, Nieuwland et al teach the invention, comprising:

requesting access to a resource for a first process, the first process having a corresponding first semaphore [Fig 4; "The producer [first process] request access to resource[data or buffer as stated in Col 3 line 13-14]];

determining whether the resource is being accessed by a second process, the second process having a corresponding second semaphore [Fig 4, circles 56, and 58; the station determines the availability of the resource by comparing its own semaphore with another station's [second process] semaphore [second semaphore], wherein

Art Unit: 2115

unequal semaphores indicate the resource is being accessed and equal semaphores indicate the resource is not being used [Col 3 lines 13-15]]; and

denying the first process access to the resource if the resource is being accessed by the second process as indicated by a lock on the resource, wherein the lock is indicated at the second semaphore [The resource can not be accessed by the second station until the first station changes its semaphore to equal the second station. Anytime before the semaphore is changed, the second station is locked from accessing the resource and must wait until the semaphore is changed and vice versa, therefore the semaphore is used as a lock].

5. As per claim 2, Nieuwland et al teach the invention comprising the first process having a corresponding first local priority and the second process having a corresponding second local priority [Fig 1; wherein station 104 has priority over station 100].

6. As per claim 3, Nieuwland et al teach the invention comprising granting the first process access to the resource if the resource is not being accessed by the second process as indicated at the second semaphore [Fig. 4 circle 58, and 60; The station gains access to write to the resource when the semaphores are equal indicating the resource is not being used].

7. As per claim 33, Nieuwland et al teach the invention comprising:

Art Unit: 2115

determining if access to the resource is simultaneously being requested by the second process; and

granting access to the resource to one of the first process and the second process having a higher local priority of the first local priority and the second local priority [Col 2 lines 35-37].

8. As per claims 24-26, and 34, it is directed to a machine-readable medium to implement the method as set forth in claims 1-3, and 33. Therefore, it is rejected for the same basis as set forth hereinabove.

9. As per claims 27-29, 35, and 40-43, it is directed to an apparatus to implement the method as set forth in claims 1-3, and 33. Therefore, it is rejected for the same basis as set forth hereinabove.

10. As per claims 36-39, it is directed to a system to implement the method as set forth in claims 1-3, and 33. Therefore, it is rejected for the same basis as set forth hereinabove. Examiner notes it would have been known in the art of conventional multi-process systems wherein multiple resources are used in a multi-process system.

11. As per claims 44-46, it is directed to a system to implement the system as set forth in claims 36-39. Therefore, it is rejected for the same basis as set forth hereinabove.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malcolm D. Cribbs whose telephone number is 571-272-5689. The examiner can normally be reached on M-F 8AM-430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Malcolm D Cribbs  
Examiner  
Art Unit 2115

May 9, 2006

  
CHUN CAO  
PRIMARY EXAMINER